

**Decision 00-07-040 July 20, 2000**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the Application of the San Joaquin Valley Railroad Company to construct an Industrial Drill Track across Pacheco Road and the future extension of Harris Road, public streets in the City of Bakersfield, County of Kern

Application 00-02-040  
(Filed February 22, 2000)

**OPINION**

San Joaquin Valley Railroad Company (SJVR) requests authority to construct and maintain a new railroad drill track at grade across Pacheco Road and the future extension of Harris Road in the City of Bakersfield, Kern County.

The proposed new grade crossings are necessary to provide rail service to an industrial development, Castle & Cooke Commercial Ca. Inc. Industrial Subdivision, bounded by Pacheco Road on the north, Panama Lane on the south, Gosford Road on the east, and Progress Road on the west.

City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources (PR) Code Sections 21000, et. seq. City prepared an Initial Study and issued a Negative Declaration. On May 24, 1999, a Notice of Determination was filed with the County Clerk, which found that the "project will not have a significant effect on the environment."

The Commission is a responsible agency for this project under CEQA and also has reviewed and considered the lead agency's Negative Declaration and

Notice of Determination. The site of the proposed project has been inspected by the Commission's Rail Safety and Carriers Division - Rail Crossings Engineering Section Staff. Staff examined the need for and the safety of the proposed grade crossings and recommends that approval be granted.

The Application was found to be in compliance under the Commission's filing requirements including Rule 40 of the Rules of Practice and Procedure, which relates to the construction of a railroad track across a public highway. Detailed drawings of the proposed construction are included in Appendix A attached to this order.

In Resolution ALJ-176-3035 dated March 16, 2000, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ-176-3035.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code Section 311 (g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Findings of Fact**

1. Notice of the application was published in the Commission's Daily Calendar on March 3, 2000. No protests have been received. A public hearing is not necessary.

2. SJVR requests authority, under Public Utilities Code Sections 1201 - 1205, to construct and maintain a new railroad drill track at grade across Pacheco Road and the future extension of Harris Road in Bakersfield, Kern County.

3. Construction of the industrial drill track is an essential element in providing rail service to Castle & Cooke Commercial Ca. Inc. Industrial Subdivision.

4. Public convenience and necessity require construction of the industrial drill track and grade crossings at Pacheco Road and the future extension of Harris Road.

5. Public safety requires that protection at Pacheco Road crossing be two Standard No. 9-A automatic gate-type signals with additional flashing lights on cantilever arms and that protection at the future extension of Harris Road crossing be two Standard No. 9-A automatic gate-type signals with additional flashing lights on cantilever arms and two median-mounted Standard No. 9 automatic gate-type signals (General Order (GO) 75-C).

. 6. City is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Negative Declaration and Notice of Determination.

### **Conclusions of Law**

The application should be granted as set forth in the following order.

## **O R D E R**

### **IT IS ORDERED** that:

1. San Joaquin Valley Railroad Company (SJVR) is authorized to construct and maintain an industrial drill track at grade across Pacheco Road and the future extension of Harris Road in the City of Bakersfield, Kern County, at the location and substantially as shown by the plans attached to the application and Appendix A of this order, to be identified as Crossing BT-322.7-C (Pacheco Road) and Crossing BT-323.2-C (Harris Road).

2. Clearances shall be in accordance with General Order (GO) 26-D. Walkways shall conform to GO 118.

3. Protection at Pacheco Road crossing shall be two Standard No. 9-A automatic gate-type signals with additional flashing lights on cantilever arms. Protection at the future extension of Harris Road crossing shall be two Standard No. 9-A automatic gate-type signals with additional flashing lights on cantilever arms and two median-mounted Standard No. 9 automatic gate-type signals (GO 75-C).

4. Construction expense of the crossings and installation of the automatic protection shall be borne by SJVR.

5. Maintenance cost of the automatic protection shall also be borne by SJVR.

6. Construction of the crossings shall be in accordance with GO 72-B, Standard No. 6. Maintenance of the crossing surfaces shall also be in accordance with GO 72-B.

7. Construction plans of the crossings, approved by City, together with a copy of the agreement entered into between the parties, shall be filed with the

Commission's Rail Safety and Carriers Division prior to commencing construction.

8. Within 30 days after completion of the work under this order, SJVR shall notify the Commission's Rail Safety and Carriers Division in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

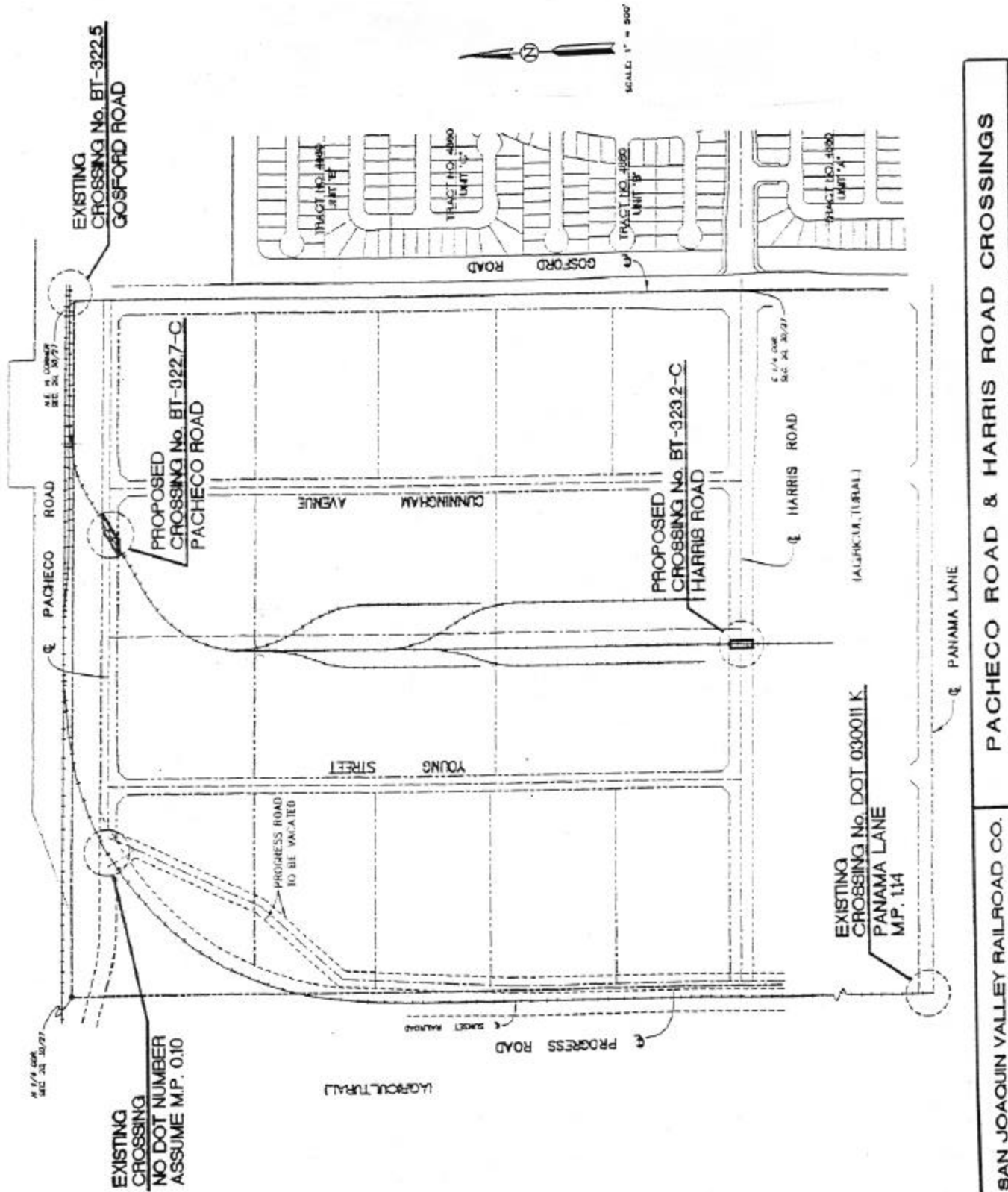
10. The Application is granted as set forth above.

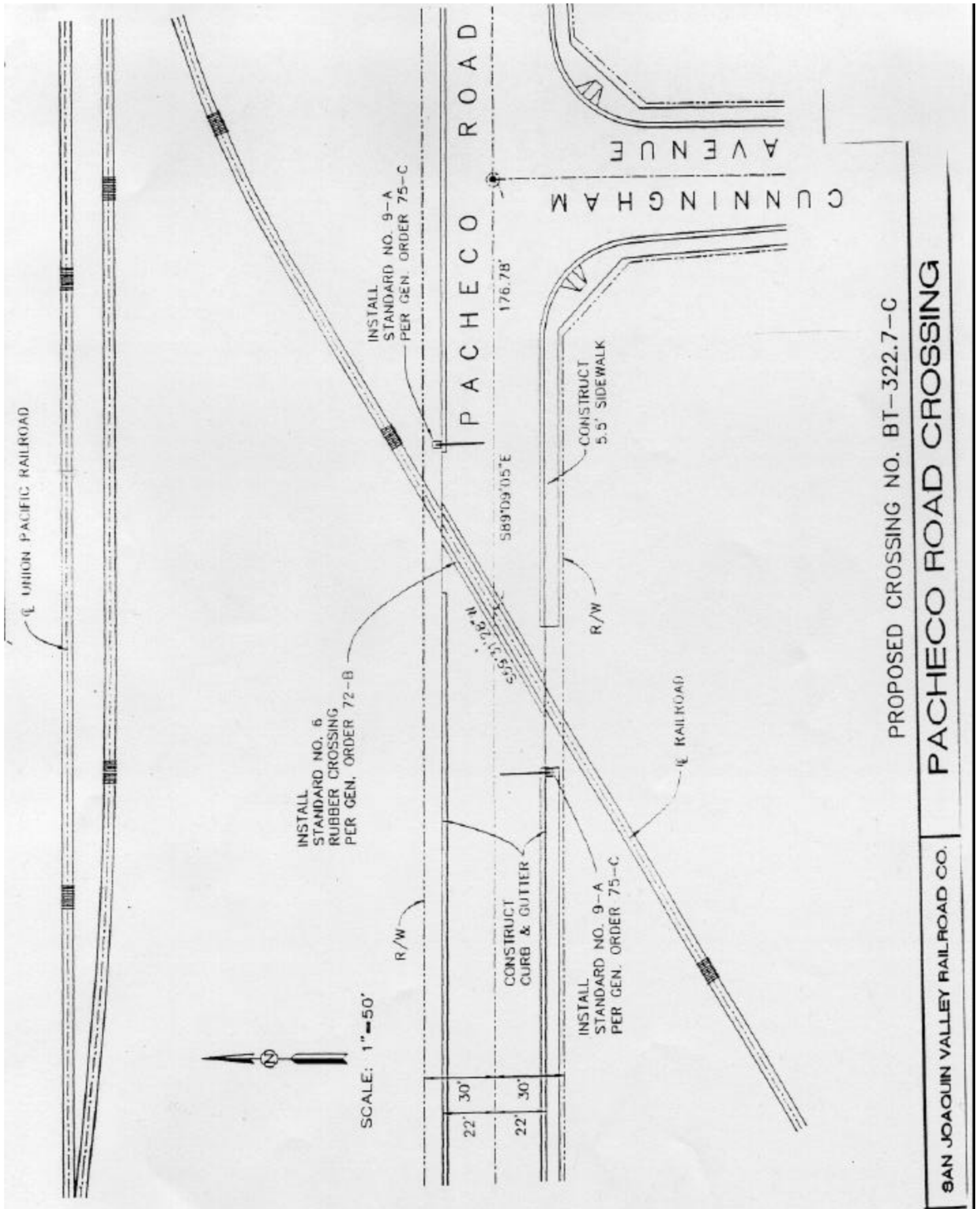
Application 00-02-040 is closed.

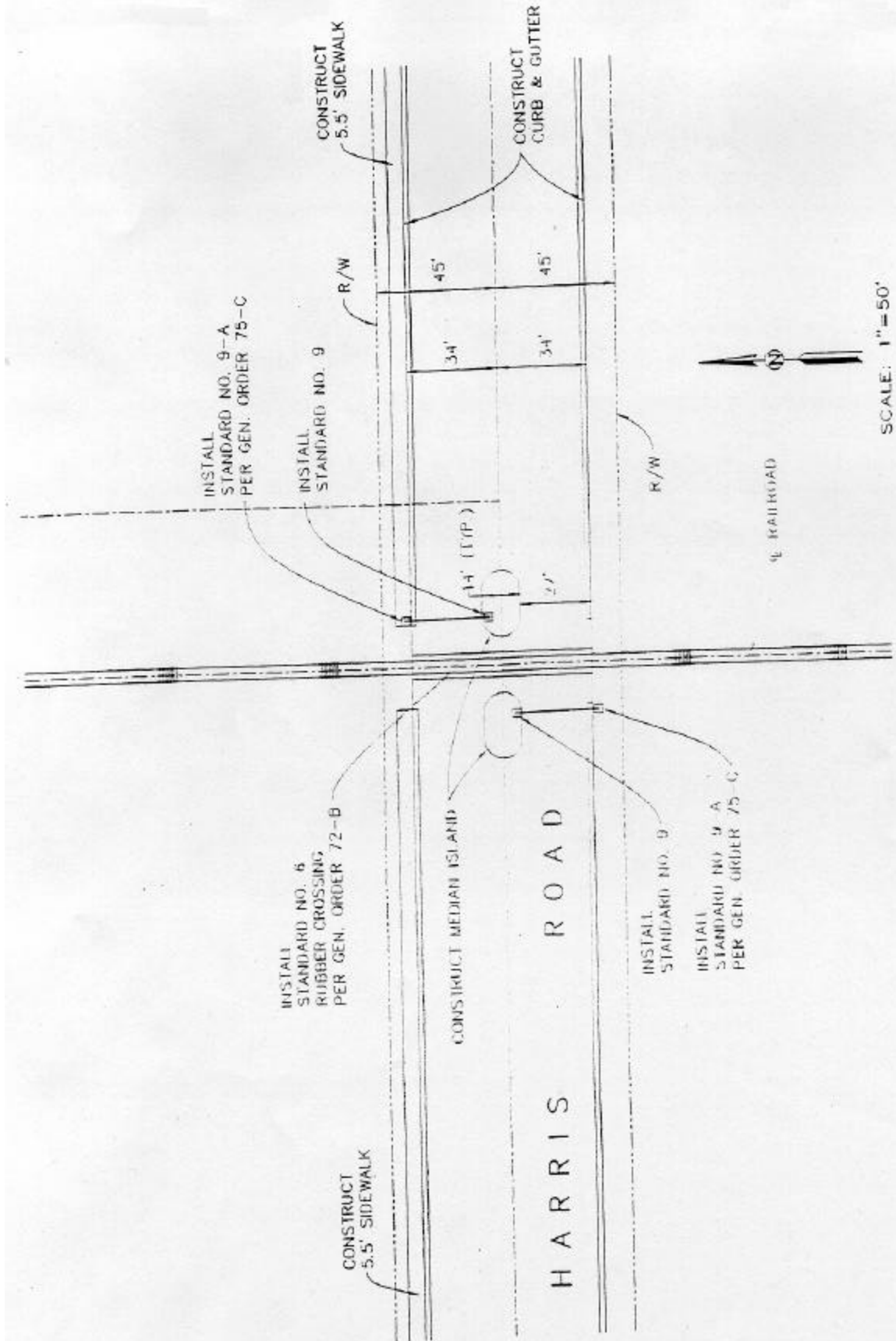
This order becomes effective thirty (30) days from today.

Dated July 20, 2000, at San Francisco, California.

LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
RICHARD A. BILAS  
CARL W. WOOD  
Commissioners







PROPOSED CROSSING NO. BT-323.2-C

HARRIS ROAD CROSSING

SAN JOAQUIN VALLEY RAILROAD CO.